

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 09 CR 383-10 and 11
)	Judge Ruben Castillo
PEDRO FLORES and)	
MARGARITO FLORES)	

MOTION OF THE UNITED STATES FOR
ENTRY OF FINAL ORDER OF FORFEITURE

The United States of America, by its attorney, ZACHARY T. FARDON, United States Attorney for the Northern District of Illinois, moves for entry of a final order of forfeiture as to specific property pursuant to the provisions of Title 21, United States Code, Section 853, and Fed. R. Crim. P. 32.2, and in support thereof submits the following:

1. On January 5, 2012, a third superseding indictment was returned charging defendants PEDRO FLORES, MARGARITO FLORES and others, with violations of the Controlled Substances Act pursuant to the provisions of 21 U.S.C. § 841(a)(1), among other violations.

2. The third superseding indictment sought forfeiture to the United States of certain property, pursuant to the provisions of 21 U.S.C. § 853.

3. On August 22, 2012 and August 23, 2012, pursuant to Fed R. Crim. P. 11, defendants PEDRO FLORES and MARGARITO FLORES entered voluntary pleas of guilty to Count One of the third superseding indictment charging them with a violation of the Controlled Substances Act, pursuant to the provisions of 21 U.S.C. § 846, thereby making certain property named in the third superseding indictment subject to forfeiture.

4. Pursuant to the terms of the plea agreements, as a result of their violation of 21 U.S.C. § 846, the defendants PEDRO FLORES and MARGARITO FLORES agreed that the following property is subject to forfeiture:

- (a) \$81,500 seized from Individual A on or about September 1, 2010;
- (b) the principal balance, plus any accrued interest, held in the Client Fund Account deposited at MB Financial Bank, entitled “Client Fund Account deposited at MB Financial Bank, entitled “Client Fund Account f/b/o Margarito Flores” and bearing account number 5320003212 (“Client Account”); and
- (c) 2008 Land Rover, VIN: SALSH23408A143489 seized from Individual A on or about September 2, 2010.

5. On June 24, 2013, the government and the defendants through their attorneys motioned the Court to enter an Agreed Order directing all funds in the “Client Account” be unrestrained, that \$300,000 be distributed to the defendants’ families, and that the remaining balance plus any accrued interest be delivered to the government. On July 10, 2014, a check in the amount of \$3,570,364.11 was delivered to the United States Attorney Office for deposit into the “U.S. Marshal Service Seized Asset Deposit Fund” pursuant to the terms of the Agreed Order and the defendants’ plea agreements.

6. Defendants PEDRO FLORES and MARGARITO FLORES further agreed to the entry of a preliminary order of forfeiture relinquishing any right, title or ownership interest that they have in the foregoing property pursuant to 21 U.S.C. § 853, for disposition according to law.

7. On January 27, 2015, this Court entered a preliminary order of forfeiture forfeiting any interest of the defendants in the foregoing property for disposition according to law. The Court directed the United States Marshals Service, pursuant to 21 U.S.C. § 853(g), to

seize and take custody of \$81,500 seized from Individual A on or about September 1, 2010, funds in the amount of \$3,570,364.11, and 2008 Land Rover, VIN: SALSH23408A143489 seized from Individual A on or about September 2, 2010 for disposition according to law. Further, pursuant to the provisions of 21 U.S.C. § 853(n)(1), the United States was ordered to publish notice of its intention to dispose of the property according to law.

8. Pursuant to the provisions of 21 U.S.C. § 853(n)(1), beginning on January 30, 2015, and continuing for at least 30 consecutive days, notice of the criminal forfeiture was posted on an official government internet site. A copy of the declaration of publication is attached as Exhibit A.

9. The Preliminary Order of Forfeiture was served pursuant to the District Court's ECF system as to ECF filers.

10. To date, no petitions have been filed requesting a hearing to adjudicate any interest in the foregoing property, and the time in which to file a request for a hearing, under law, has expired.

WHEREFORE, pursuant to the provisions of 21 U.S.C. § 853(a)(1) and (2) and Fed. R. Crim. P. 32.2, the United States requests that this court enter a final order of forfeiture as to the \$81,500 seized from Individual A on or about September 1, 2010, funds in the amount of \$3,570,364.11, and 2008 Land Rover, VIN: SALSH23408A143489 seized from Individual A on or about September 2, 2010, in accordance with the draft final order of forfeiture which is submitted herewith.

Respectfully submitted,

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